

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred Senate Bill No. 73 entitled “An act relating to workers’ compensation
4 coverage for firefighters with cancer” respectfully reports that it has considered
5 the same and recommends that the House propose to the Senate that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 Sec. 1. 21 V.S.A. § 601 is amended to read:

9 § 601. DEFINITIONS

10 ~~Unless the context otherwise requires, words and phrases used in this~~
11 ~~chapter shall be construed as follows~~ As used in this chapter:

12 * * *

13 (11) “Personal injury by accident arising out of and in the course of
14 employment” includes an injury caused by the willful act of a third person
15 directed against an employee because of that employment.

16 * * *

17 (E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and
18 (4), who dies or has a disability from a cancer listed in subdivision (iii) of this
19 subdivision (E), the firefighter shall be presumed to have had the cancer as a
20 result of exposure to conditions in the line of duty, unless it is shown by a
21 preponderance of the evidence that the cancer was caused by nonservice-

1 connected risk factors or nonservice-connected exposure, provided:

2 (i)(I) the firefighter completed an initial and any subsequent
3 cancer screening evaluations as recommended by the American Cancer Society
4 based on the age and sex of the firefighter prior to becoming a firefighter or
5 ~~within two years of July 1, 2007~~ while serving as a firefighter, and the
6 evaluation indicated no evidence of cancer;

7 (II) the firefighter was engaged in firefighting duties or other
8 hazardous activities over a period of at least five years in Vermont prior to the
9 diagnosis; and

10 (III) the firefighter is under 65 years of age.

11 (ii) The presumption shall not apply to any firefighter who has
12 used tobacco products at any time within 10 years of the date of diagnosis.

13 (iii) The disabling cancer shall be limited to leukemia, lymphoma,
14 or multiple myeloma, and cancers originating in the bladder, brain, breast,
15 colon, gastrointestinal tract, kidney, liver, lung, pancreas, reproductive system,
16 skin, or ~~testicles~~ thyroid.

17 (F) A firefighter who is diagnosed with cancer within 10 years of the
18 last active date of employment as a firefighter shall be eligible for benefits
19 under this subdivision. The date of injury shall be the date of the last injurious
20 exposure as a firefighter.

21 (G) It is recommended that fire departments;

1 so that all personal protective equipment is replaced within 10 years after being
2 acquired; and

3 (5) potential opportunities for the State to reduce the cost to fire
4 departments for the replacement of personal protective equipment.

5 (b) The report may include recommendations for legislative action to
6 facilitate:

7 (1) the early identification of cancer in firefighters;

8 (2) the acquisition of personal protective equipment by fire departments;

9 and

10 (3) the elimination of PFAS and other carcinogens in firefighting
11 equipment.

12 Sec. 3. WORKERS' COMPENSATION FOR FIREFIGHTERS WITH
13 CANCER; ELIGIBILITY

14 (a) On or before January 15, 2024, the Commissioners of Labor and of
15 Financial Regulation, in consultation with the Director of the Division of Fire
16 Safety, shall submit a written report to the House Committee on Commerce
17 and Economic Development and the Senate Committee on Economic
18 Development, Housing and General Affairs regarding the following topics:

19 (1) the potential impacts on workers' compensation claims, premiums,
20 and loss costs of amending or repealing the provisions of 21 V.S.A.

21 § 601(11)(E) that bar a firefighter from the presumption that the firefighter's

1 cancer resulted from work-related exposure if the firefighter:

2 (A) is over 65 years of age; or

3 (B) has used tobacco products within the last 10 years;

4 (2) the potential impacts on workers' compensation claims, premiums,
5 and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of
6 cancers presumed to have been caused by exposure to working conditions as a
7 firefighter, including:

8 (A) additional types of cancer:

9 (i) that occur more frequently in firefighters than the general
10 public;

11 (ii) that are caused by carcinogens to which firefighters are
12 exposed in the line of duty; or

13 (iii) both; or

14 (B) all forms of cancer; and

15 (3) potential methods for apportioning liability for workers'
16 compensation in instances where a firefighter has been employed by more than
17 one fire department, including when a firefighter is employed as a career
18 firefighter by one department and a volunteer firefighter by another
19 department.

20 (b) The report may include recommendations for legislative action to:

21 (1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a

1 firefighter from the presumption that the firefighter’s cancer resulted from
2 work-related exposure if the firefighter is over 65 years of age or has used
3 tobacco products within the last 10 years; and

4 (2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers
5 presumed to have been caused by exposure to working conditions as a
6 firefighter to include either:

7 (A) additional specific cancers for which firefighters have a
8 significantly increased risk in comparison to the general public; or

9 (B) all forms of cancer.

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on July 1, 2023.

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15 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE